UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

v. 15 Cr. 633 (KMW)(RLE)

TARAMATIE PERSAUD,

Defendant.

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New York, N.Y.
December 10, 2015
11:45 a.m.

Before:

HON. RONALD L. ELLIS
Magistrate Judge

APPEARANCES

PREET BHARARA
United States Attorney for the
Southern District of New York
BY: JANE KIM
Assistant United States Attorney

ROBERT CALIENDO
Attorney for Defendant

(Case called)

(In open court)

MS. KIM: Good morning, your Honor. Jane Kim for the government.

THE COURT: Good morning.

MR. CALIENDO: Robert Caliendo for Ms. Persaud. Good morning, your Honor.

THE COURT: Good morning.

You're Taramatie Persaud?

THE DEFENDANT: Yes, your Honor.

THE COURT: I'm Judge Ellis, and this matter has been referred to me by Judge Wood for the purpose of taking your plea. Has the process been explained to you?

THE DEFENDANT: Yes, your Honor.

THE COURT: Did you sign the consent to proceed before a United States magistrate judge on your felony plea allocution?

THE DEFENDANT: Yes, your Honor.

THE COURT: Before you signed it, did you discuss it with your attorney?

THE DEFENDANT: Yes, your Honor.

THE COURT: Did he explain it to you?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that you have an absolute right to have this proceeding before an Article III district judge?

THE DEFENDANT: Yes, your Honor.

THE COURT: And you're voluntarily proceeding before a United States magistrate judge?

THE DEFENDANT: Yes, your Honor.

THE COURT: Ms. Persaud, you are charged in indictment 15 Cr. 633. Count Two of the indictment to which you are pleading charges you with wire fraud in violation of Title 18 United States Code, Sections 1343 and 2. This crime carries a maximum term of imprisonment of 20 years; a maximum term of supervised release of three years; a maximum fine which is the greatest of $250,000 or twice the gross pecuniary gain derived from the offense, or twice the gross pecuniary loss to others as a result of the offense. There is a $100 mandatory assessment, and the court must order restitution in accordance with United States Code.

Do you understand these penalties as I have read them to you?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you also understand that if you are sentenced to any period of supervised release and violate the conditions of your supervised release, you may be sentenced to all or part of the term of the supervised release without any credit for time already served?

THE DEFENDANT: Yes, your Honor.

THE COURT: Ms. Persaud, are you a citizen of the United States?

THE DEFENDANT: Yes, your Honor.

THE COURT: Have you seen a copy of the indictment in which the government makes this charge against you?

THE DEFENDANT: Yes, your Honor.

THE COURT: Have you discussed it with your attorney?

THE DEFENDANT: Yes, your Honor.

THE COURT: Did he explain it to you?

THE DEFENDANT: Yes, your Honor.

THE COURT: Are you prepared to enter a plea today?

THE DEFENDANT: Yes, your Honor.

THE COURT: Taramatie Persaud, how do you plead to Count Two of the indictment?

THE DEFENDANT: Guilty.

THE COURT: Ms. Persaud, before I can recommend that your plea be accepted, I must determine that you understand the plea and its consequences, that the plea is voluntary, and that there is a factual basis for the plea. For that purpose I must ask you a number of questions, and your answers must be under oath.

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that the answers you give under oath may subject you to prosecution for perjury if you do not tell the truth?

THE DEFENDANT: Yes, your Honor.

THE COURT: Raise your right hand.

(Defendant sworn)

THE COURT: Please state your full name for the record.

THE DEFENDANT: Taramatie Persaud.

THE COURT: What is your date of birth?

THE DEFENDANT: June 9, 1970.

THE COURT: How far did you go in school?

THE DEFENDANT: High school.

THE COURT: You completed high school?

THE DEFENDANT: I graduated high school. And then when I came to this country I went to NYU to take up real estate courses.

THE COURT: So you got some classes in real estate?

THE DEFENDANT: Yeah, at NYU.

THE COURT: Are you currently being treated by a doctor or psychiatrist for any reason?

THE DEFENDANT: Not a psychiatrist. I just went to the ENT doctor yesterday for my sinus.

THE COURT: Have you taken any medications because of that in the last 24 hours?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you know what medications you are taking?

THE DEFENDANT: They're antibiotics.

THE COURT: Do those affect you in being alert for this proceeding?

THE DEFENDANT: No, your Honor.

THE COURT: You're not drowsy or anything?

THE DEFENDANT: No, your Honor.

THE COURT: You understand everything that's happening?

THE DEFENDANT: Yes, your Honor.

THE COURT: Are you having any difficulty seeing, hearing or understanding any of these proceedings?

THE DEFENDANT: No, your Honor.

THE COURT: Are you feeling all right today?

THE DEFENDANT: Yes, your Honor.

THE COURT: Have you ever been treated for alcoholism or drug addiction?

THE DEFENDANT: No, your Honor.

THE COURT: Have you had enough time to discuss with your attorney how you wish to plead?

THE DEFENDANT: Yes, your Honor.

THE COURT: Are you satisfied with your attorney?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand what the government says that you did?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that you have a right to plead not guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that you have a right to a trial by jury on these charges?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that if you were to plead not guilty and go to trial, you would be presumed innocent until the government proved your guilt beyond a reasonable doubt?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that at trial you would have a number of important constitutional rights, including the right to be represented by counsel and to have counsel appointed for you if you could not afford an attorney?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that you have a right to have an attorney at every stage of the criminal process?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that at trial you cannot be forced to testify against yourself?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that at trial you would have the right to confront and cross-examine witnesses called by the government?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that at trial you would have the right to testify yourself, and to call witnesses on your behalf, and to compel their attendance by subpoena if necessary?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that if your guilty plea is accepted, there will be no trial of any kind and the only remaining steps in your case will be a presentence report and sentencing by Judge Wood?

THE DEFENDANT: Yes, your Honor.

THE COURT: Have you discussed with your attorney the role that the sentencing guidelines play in sentencing?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that there will be a calculation in your case under those guidelines?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that that calculation will take into account a number of factors, including the actual conduct in which you engaged, any victims of the offense, the role that you played in the offense, whether or not you have accepted responsibility for your acts, whether you have any criminal history, and whether you have engaged in any obstruction of justice? Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Have these factors been explained to you by your attorney?

THE DEFENDANT: Yes, your Honor.

THE COURT: Between now and the date of sentencing the probation department will conduct an investigation and will prepare a presentence report. Your attorney, the government and Judge Wood will receive copies. Both your attorney and the government will have the opportunity to object if they believe anything in this report is inaccurate. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that until the presentence report is prepared, neither your attorney, the government, nor Judge Wood will be able to determine precisely what range of penalties will be calculated in your case under the guidelines?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that whatever the range calculated under the guidelines, your sentence cannot exceed the maximums that I advised you of earlier?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that whatever the range under the guidelines, Judge Wood will still retain discretion as to the actual penalties to be imposed in your case?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that in addition to the sentencing guidelines, that Judge Wood will also take into account the factors that are set forth in 18 United States Code Section 3553(a)?

THE DEFENDANT: Yes, your Honor.

THE COURT: Have those factors been explained to you by your attorney?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that under certain circumstances both you and the government may have a right to appeal the sentence imposed?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that if the sentence is more severe than you expect it, you will be bound by your guilty plea and will not be permitted to withdraw it?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that parole has been abolished and that if you are sentenced to any period of imprisonment, you will be required to serve the entire term?

THE DEFENDANT: Yes, your Honor.

THE COURT: Ms. Persaud, I have been handed up the plea agreement in your case. Did you review this agreement with your attorney?

THE DEFENDANT: Yes, your Honor.

THE COURT: Did he explain it to you?

THE DEFENDANT: Yes, your Honor.

THE COURT: And did you sign it?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that one of the provisions of the plea agreement is that you admit the forfeiture allegations in Count Two of the indictment?

THE DEFENDANT: Yes, your Honor.

THE COURT: And your attorney has explained to you what forfeiture allegations are?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you also understand that the plea agreement has a calculation of a stipulated guideline range of 21 to 27 months?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that you have agreed that you will not file a direct appeal or otherwise litigate any sentence that is within or below that stipulated guideline range of 21 to 27 months?

THE DEFENDANT: Yes, your Honor.

THE COURT: Other than what is contained in this plea agreement, have any promises been made to you by anyone to get you to plead guilty?

THE DEFENDANT: No, your Honor.

THE COURT: Has anyone promised you a specific sentence if you plead guilty?

THE DEFENDANT: No, your Honor.

THE COURT: Has anyone made any threats to you to influence you to plead guilty?

THE DEFENDANT: No, your Honor.

THE COURT: Are you making this plea voluntarily, that is, of your own free will and choice?

THE DEFENDANT: Yes, your Honor.

THE COURT: Elements of the offense, counsel?

MS. KIM: Yes, your Honor. In order to prove the defendant guilty of Count Two of the indictment, the government would have to prove each of the following elements beyond a reasonable doubt:

First, that there was a scheme or artifice to defraud or to obtain money or property by materially false and fraudulent pretenses, representations or promises as alleged in the indictment; second, that the defendant knowingly and willfully participated in the scheme or artifice to defraud, with knowledge of its fraudulent nature and with specific intent to defraud; and, third, that in execution of that scheme the defendant used or caused the use of the mails or interstate wires as specified in the indictment.

In addition, in order to establish venue, the government would have to prove by a preponderance of the evidence that venue was proper in the Southern District of New York.

THE COURT: Ms. Persaud, did you hear the elements of the offense?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that if the government were to proceed to trial against you, it would have the burden of proving each and every element of the offense beyond a reasonable doubt?

THE DEFENDANT: Yes, your Honor.

THE COURT: Did you commit the offense with which you have been charged?

THE DEFENDANT: Yes, your Honor.

THE COURT: Tell me what you did.

THE DEFENDANT: During the relevant period, which includes around January 2012 to around October 2014, I worked at Chestnut Holding. Chestnut Holdings is a property management company located in the Bronx, New York. Part of my job was to accept rent payments from the tenants on behalf of the company, and to deposit the money with Chestnut accordingly. Often tenants paid their rent with money orders. Often, the payee on the money order was left blank. At that time, I had a very bad gambling problem, and I willfully and knowingly stole money. More specifically, I stole Chestnut's money by writing my own name as the payee on many money orders. Then I deposited those money orders into my own bank account without permission to do so. I willfully and knowingly stole money to which I was not entitled. Moreover, I wired some of the money to family in Guyana.

THE COURT: Are there other questions the government believes needs to be asked?

MS. KIM: No, your Honor.

THE COURT: Does either counsel know of any reason why I should not recommend this plea?

MS. KIM: No, your Honor.

MR. CALIENDO: No, sir.

THE COURT: Based on the defendant's allocution, I find that she understands the nature of the charges and the consequences of her guilty plea. I also find that the plea is voluntary and that there is a factual basis for the plea. I therefore recommend that the plea be accepted and direct that a presentence report be prepared. Sentencing will take place before Judge Wood on?

MS. KIM: The control date for sentencing is April 7, 2016 at 11 a.m.

THE COURT: April 7?

MS. KIM: April 7, yes, your Honor.

THE COURT: Is there anything else to be addressed with respect to the defendant today?

MS. KIM: Your Honor, the government would just like to state on the record that the defendant, defense counsel and the government have signed a consent preliminary order of forfeiture in the amount of $419,036.84, and we will forward this to Judge Wood.

MR. CALIENDO: Your Honor, at the suggestion of Ms. Persaud's pretrial officer, Lisa Chan, and with her consent, we would like to ask that Ms. Persaud's bail conditions be amended to include that she participate in mental health counseling as arranged and directed by pretrial. I have spoken to the prosecutor as well and obtained their consent.

THE COURT: OK. So this is just an added condition for mental health evaluation and treatment?

MR. CALIENDO: Yes, sir.

THE COURT: OK. Anything else?

MR. CALIENDO: No.

MS. KIM: Not from the government, your Honor.

THE COURT: OK. And the government will prepare the case summary in the next 14 days, and defense counsel will make yourself available for interview by probation?

MR. CALIENDO: Yes, sir.

THE COURT: Thank you. We are adjourned.

MS. KIM: Thank you, your Honor.

MR. CALIENDO: Thank you.

(Adjourned)